

Louisville Metro Air Pollution Control District
Minutes
Regular Meeting
of the
Louisville Metro Air Pollution Control Board

April 19, 2006

The regular meeting of the Louisville Metro Air Pollution Control Board (Board) was called to order on April 19, 2006, at 10:19 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Vice-Chairman, Lee Howard. Other Board members present were Chair Karen Cassidy, Carolyn Embry, Dr. Nadir Al-Shami, and Barbara Sexton Smith. A quorum was present.

The following Louisville Metro Air Pollution Control District (District) staff members were present: Art Williams, Cynthia Lee, Matt Stull, Eva Addison, Art Chang, Hannea Cox, Martha Gammons, Steven Gravatte, Marty Layman, Tua Pickering, Mitzi Powell, Jenny Rhodes, Thomas Corey Ryan, Steve Taylor, Erin Simpson, Michelle Stites, Phyllis Fitzgerald, and Monica Little. Also present were Assistant County Attorneys Lauren Anderson and Stacy Fritze and law clerk Allison Grant.

The following guests were present: Andy Baines, Brown-Forman; Lori Carson and Stephanie Holleman, Süd-Chemie, Inc.; Rebecca Cash, Linebach-Funkhouser; Tim Corrigan, Greater Louisville, Inc. (GLI); Dennis Conniff, GLI Environmental Affairs Committee; Brad Dillon, GD&M; Cheryl Fisher, E.I. DuPont; Tom Herman, Zeon Chemicals; Paul Howard, Tetra Tech; Jim McDonald, URS Corporation; Jonathan Miller, DuPont Performance Elastomers; Vince Pennick, American Synthetic Rubber Company; Peter Raymond, Alcoa - Louisville Laminating Plant; Paige Mosser Theriac, TECI; and Sarah Scheetz, E.ON U.S.

Introduction of New Staff Members

Ms. Lee introduced new District staff members Corey Ryan, Information Systems Analyst; Tua Pickering, Environmental Coordinator for Air Toxics Monitoring; Steven Gravatte, Engineer I; and Hannea Cox, Engineer I.

Approval of Minutes

The minutes of the March 15, 2006, Public Hearing and Regular Board meeting were approved as distributed.

Public Comments

Dennis Conniff, representing the Greater Louisville, Inc. (GLI) Environmental Affairs Committee, reported that GLI has developed a position on the District's proposed permit fee increase. GLI's position is consistent with the District's plan which involves improving the permit process and increasing permit fees to enhance the salary structure in the engineering section. GLI looks forward to continuing the discussions with Mr. Williams and the Board to reduce the permit backlog. A copy of GLI's position is attached to the original minutes.

Jonathan Miller, DuPont Performance Elastomers, provided a current status report on compliance with the company's Enforceable Board Agreement, dated May 2004, to reduce annual emissions. DuPont Performance Elastomers has completed the modification project that will reduce emissions from three unstripped polymerized emulsion storage tanks. The project is expected to reduce approximately 20 tons of emissions. A copy of the update is attached to the

New Business

A. Development of STAR Regulation 5.30 Program

Mr. Williams reported on the current status of the Strategic Toxic Air Reduction (STAR) Regulation 5.30 program. A plan of action outline was developed by the District that addresses key stakeholder involvement, chemicals of concern, risk evaluation, strategy development, and program implementation. In addition, the outline includes a revised timeline. The current regulation requires the District to develop a proposed report and plan of action by June 2006, a deadline that Mr. Williams had indicated, before adoption of Regulation 5.30, would be a difficult goal to meet. He asked the Board to review the outline and evaluate whether to extend the timeline to June 2007. Mr. Williams said that a formal change to the deadline would require an amendment to Regulation 5.30.

There was a lengthy discussion regarding STAR and extending the deadline to June 2007. Mr. Williams stated that keeping the June 2006 timeline would not allow District staff sufficient time to prepare a thorough, comprehensive, and specific report and plan of action. Mr. Howard asked if the District has staffing and resources available to fully implement the regulation. Mr. Williams responded that the District does expect to have staff in place during the next 60 days to complete the plan of action by June 2007.

Chair Cassidy asked for clarification as to how Regulation 5.30 will be implemented and the role of the Board. Mr. Williams explained that implementation of Regulation 5.30 will require an enormous amount of work and the District staff may need to present a report on the steps involved in implementing the project. Some of the work includes developing an extensive community toxics emissions inventory, identifying where emissions factors have been developed, and determining the full range of federal activity affecting all of the area sources. He said that the Board's role is to ensure that the regulation is implemented properly and approve changes to the timeline. Ms. Smith stated that she continues to feel very strongly, as she did when the regulation was adopted, that the original June 2006 deadline should be met. Ms. Smith asked if a compromise could be reached by extending the timeline by only a number of months, rather than a full year. Mr. Williams responded that the proposed timeline is the District's best assessment of the time necessary to develop a thorough, comprehensive, and specific report and plan of action.

Mr. Williams suggested that the more consequential issue was a consensus between the Board and the District on the 2012 date by which the STAR Program is to be fully implemented. He said that it is important that the front end of the process be carefully developed so that the right mechanisms are in place to achieve the 2012 goal of environmental acceptability. Mr. Williams said that the proposed timeline for developing the report and plan of action is aggressive and it will be reviewed again to determine whether it could be shortened. Mr. Williams stated that a report and plan of action will be delivered to the Board based on the timeline decided at the next meeting. Chair Cassidy requested that the District provide the Board with regular updates, and that the Board review the Plan of Action Outline and be prepared to discuss it at the May Board meeting.

Committee Reports

A. AQTF Report Review Committee

Ms. Embry reported that the AQTF (Air Quality Task Force) Report Review Committee met on April 17, 2006, and discussed the document *Louisville Metro Air Quality Task Force Report to Mayor Abramson and Air Pollution Control Board*. The committee agreed with the overall recommendation of the task force that, even though the Louisville area has attained compliance with the current federal 8-hour ozone standard, further reducing ozone levels would benefit the Louisville area. Specifically, the task force recommended that the current policies, voluntary programs, and regulatory programs to reduce ozone precursor emissions be continued and that new strategies for additional ozone precursor emission reductions, focussing on voluntary programs and partnerships, be considered and developed through a community stakeholder process. Mr. Williams said that the District could develop an implementation matrix for Board review.

Motion: Mr. Howard moved to accept the recommendations from the AQTF Report Review Committee and to direct the District staff to develop strategies to implement the

recommendations of the task force report.

The motion passed unanimously.

Mr. Williams said that the District will implement the AQTF recommendations using current resources and staffing. An assessment will be made to determine if additional staff and resources are required during the next fiscal year with implementation beginning in July 2007. If necessary, he said that it may be possible to use surplus funds from the Vehicle Emissions Testing Program to cover costs associated with implementation except for staffing.

Staff Reports

A. Director

Mr. Williams explained that the redesignation process requires a significant amount of paperwork and is complicated because the Louisville 8-hour ozone area is a multi-county, multi-state, and multi-federal EPA region area. Due to this, submittal packages are being prepared by both Kentucky and Indiana, two EPA regional offices are involved in the review, and final approval must be given by EPA headquarters in Washington, D.C. Mr. Williams estimated that final approval of the redesignation will be given in six months.

Mr. Williams reported that the Kentucky Legislature concluded its 2006 session with no bill affecting the STAR Program being enacted. During the session, representatives of Louisville Metro had numerous discussions with business and industry parties regarding outstanding STAR Program issues.

Mr. Williams said that he and Chair Cassidy had just come from a 9:45 a.m. press conference at which Mayor Abramson discussed the STAR Program and the legislative session. The primary message from the Mayor was that the range of issues identified prior to, and during, the legislative session will be addressed. The Mayor has requested the existing STAR Implementation Advisory Group (IAG) to continue to be the focal point for the consideration, review, and evaluation of issues and concern from business, industry, citizens, and environmental organizations. The District will address fifteen to twenty issues that have emerged and present them to the STAR IAG for discussion, review, and recommendation. The Mayor stated at the press conference that a program of STAR's magnitude requires opportunity for discussion, clarity, and certainty whenever possible. Also, the Mayor has asked Council Chair Kevin Kramer to appoint a Metro Council member to the IAG. The IAG currently has 12-14 members and meets frequently. The next meeting of the STAR IAG is April 28, 2006, 10:00 a.m., in the Board Room. Chair Cassidy extended an invitation to Board members to attend the meeting.

Mr. Williams said that Metro Council Member Hal Heiner will hold a committee hearing on STAR Program issues on April 20, 2006. Mr. Williams will speak at the hearing and answer a range of questions and issues identified by the Jobs and Economic Development Committee of the Louisville Metro Council. The committee hearing is open to the public.


Mr. Williams announced that Earth Day was celebrated recently and the District's KAIRE (Kentuckiana Air Education) staff members participated in activities held at the Louisville Zoo and the Falls of the Ohio.

Mr. Williams updated the Board on the large warehouse fire that occurred four weeks ago. It was determined that the warehouse contained a large amount of asbestos and District staff are working daily to ensure the asbestos is contained.

B. Air Quality Data

The [air quality monitoring reports](#) were submitted for filing. A copy of each report is attached to the original minutes.

C. Enforcement Status

The [APCD Enforcement Status 4/11/06](#)  report was submitted for filing. A copy is attached to the original minutes.

D. Startup, Shutdown, Malfunction, and Emergency Report

The [Excess Emission Reports 3/6/06 through 4/10/06](#)  report was submitted for filing. A copy is attached to

E. **STAR Program Tracking Report**

The STAR Program Tracking Report was submitted for filing. A copy is attached to the original minutes.

F. **Permit Program Report**

The Permit Program Report was submitted for filing. A copy is attached to the original minutes.

G. ***Lawn Care for Cleaner Air Awards***

The list of this month's *Lawn Care for Cleaner Air Award recipients*  was submitted for filing. A copy is attached to the original minutes.

Next Meeting

The next regular Board Meeting is Wednesday, May 17, 2006 at 10:00 a.m.

Adjournment

The meeting adjourned at 12:07 p.m.

Dr. Karen Cassidy
Chair

_____/signed/_____
Jonathan L. Trout
Secretary-Treasurer